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Arizona Corporation Commission  
**DOCKETED**

**MAY 27 1997**



**BEFORE THE ARIZONA CORPORATION COMMISSION**

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
RENZ D. JENNINGS  
COMMISSIONER

IN THE MATTER OF U S WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF  
1996.

DOCKET NO. U-0000-97-238

DECISION NO. 60218

**ORDER**

Open Meeting  
May 14, 1997  
Phoenix, Arizona

**FINDINGS OF FACT**

1. The Federal Telecommunications Act of 1996 added section 271 to the Communications Act of 1934. The purpose of section 271 is to specify the conditions that must be met in order for the Federal Communications Commission ("FCC") to allow a Bell operating company ("BOC"), such as U S West Communications, Inc. ("U S West"), to provide in-region interLATA services. The conditions described in section 271 are intended to determine the extent to which local phone service is open to competition.

2. Section 271 (c)(2)(B) sets forth a fourteen point competitive checklist which specifies the access and interconnection a BOC must provide to other telecommunications carriers in order to satisfy the requirements of section 271. Section 271 (d)(2)(B) requires the FCC to consult with state commissions with respect to the BOCs compliance with the competitive checklist. Also, subsection (d)(2)(A) requires the FCC to consult with the United States Department of Justice.

3. Once the FCC receives a BOC's application for authority to provide in-region interLATA services, the FCC has 90 days to issue a written determination approving or denying that application. The FCC has indicated that once public notice is

1 made of a BOC's application, the relevant state commission must file its written comments  
2 within 20 days.

3 4. Given the abbreviated time frame for the Arizona Corporation  
4 Commission ("ACC" or "Commission") to consult with the FCC once the application is filed,  
5 it is necessary to begin preparing for U S West's application under section 271  
6 immediately.

7 The ACC believes that the best way to prepare for U S West's application is  
8 to create a public record designed to analyze U S West's compliance with the provisions  
9 of section 271. Therefore, the ACC will open a docket and take comments from all  
10 interested parties.

11 5. All interested parties are encouraged to file their written position, and  
12 the information that supports their position in the docket. Staff has determined the  
13 information which it believes will be necessary to evaluate and make a recommendation  
14 on whether U S WEST meets the requirements of section 271 (Attachments A and B to this  
15 Order identify the information that Staff believes to be necessary for evaluating compliance  
16 with section 271. Attachment A identifies information that describes the general market  
17 conditions, the extent of existing competition, and the potential for its development.  
18 Attachment B identifies information that is specific to the FCC's fourteen point checklist).  
19 Interested parties should use this information as a guide for their submissions.

20 6. To expedite the review of this information and accelerate the  
21 introduction of full telecommunication competition in Arizona, U S West is strongly  
22 encouraged to file information related to a checklist item as soon as possible after it  
23 believes that it has satisfied the requirements of the specific item. Interested parties may  
24 then respond. Interested parties are not limited to responding to U S West. At any time,  
25 parties may file information related to specific checklist items or general market conditions.

26 The Commission believes the following time line is appropriate:

27 ...

28 ...

1. Within 21 days of this order, parties should file a notice of interest in this docket. Any additional items or questions any interested Party believes should be included in Attachment A and B should be filed within this 21 day period. Staff will timely file notice in the docket and notice all parties of any additions to Attachments A and B.
2. As soon as possible after U S West believes that it has satisfied a particular competitive checklist item, it should file with the ACC. Five business days prior to the filing, U S West should serve a notice of intent to file with each of the interested parties.
3. U S West should file the information following established ACC procedures. It should serve the filing on all parties who have filed a notice of interest. If U S West (or any other party) believes that the necessary information is confidential, it will complete the necessary protective arrangements prior to filing the information.
4. Interested parties will have 30 business days to file replies or comments related to U S West's filings. U S West will have 15 business days to respond to any replies or comments filed by other parties. Again, these filings should follow established ACC procedures and should be served on U S West and all other interested parties.
5. All interested parties may file information related to general telecommunications market conditions in Arizona at any time in this docket. Interested parties are required to respond specifically to question 3, Attachment A, within 10 days of U S West's notification of its intent to file with the FCC. However, U S West must file all information responsive to Attachments A and B of this order no later than 90 days before its FCC filing.
6. Any information filed with the Commission must be served on all parties who have filed notice of interest in the docket.

U S West is encouraged to consult with Staff on matters related to content, timing, and protection of any information they intend to file in this docket prior to any filings.

### CONCLUSIONS OF LAW

1. The Commission has the authority to open a proposed rulemaking pursuant to A.R.S. §§ 40-202, -203, -204, -250, -321, -322, -328, -329, -331, -332, -361, -365, and -367, and under the Arizona Constitution, Art. 15, sections 1, 2, 3, 4, 6, 7 and

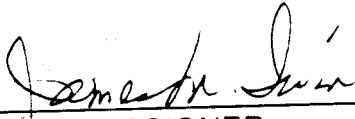

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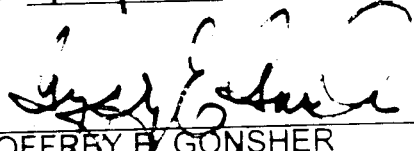
**ORDER**

THEREFORE IT IS ORDERED that the Commission Staff shall open a docket for the evaluation of U S West's compliance with § 271 of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that the evaluation of U S West's compliance with § 271 will be conducted according to the procedures described in this Order.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**  
CHAIRMAN  
COMMISSIONER  
COMMISSIONER

IN WITNESS WHEREOF, I, GEOFFREY E. GONSHER,  
Executive Secretary of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capitol, in the City of Phoenix,  
this 21<sup>st</sup> day of May, 1997

  
GEOFFREY E. GONSHER  
Executive Secretary

DISSENT \_\_\_\_\_

## 1 SERVICE LIST FOR:

In the Matter of U S WEST Communications, Inc.'s  
Compliance With § 271 of the Telecommunications Act of 1996  
DOCKET NO. R-0000-97-238

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**Attachment A**  
**General Telecommunications Market Conditions in Arizona**

- 1) Status of state commission proceedings to implement the local competition provisions of the telecommunications Act of 1996 ("1996 Act").
- 2) Identity of the entities that have been certified by the state to provide:
  - a) facilities based local exchange service,
  - b) resold local exchange service,
  - c) exchange access service.
- 3) Whether the entities in 2 are providing business exchange service, residential exchange service, business exchange access service, or residential exchange access service (identifying special or switched access). If the competitor is not providing any of these services, does it plan to. When?
- 4) The identity of the entities that have requested:
  - a) interconnection from U S West.
  - b) unbundled elements from U S West.
  - c) the ability to resell U S West's services.

The date the requests were made and the extent to which U S West and the requesting entity have entered into binding agreements, as well as copies of any such agreements.
- 5)
  - a) The number of access lines in Arizona that are served by U S West's competitors.
  - b) The number and location of U S West's switches that are connected to loops served by competitors.
  - c) The scope of the geographic areas for which the competitors' services are available.
  - d) The number and types of customers for which the competitors' services are available.
  - e) The extent to which each competitor is using its own facilities to provide service or is using unbundled or resold services obtained from U S West.
  - f) A description of the competitors' facilities in operation in U S West's service area.
  - g) Whether the competitor is currently expanding its facilities and when the expansion is expected to be completed.
  - h) The average provisioning intervals and maintenance times for services U S West provides to competitors compared to those it provides to itself.

- 1 6) a) The number of access lines U S West serves in Arizona.  
2 b) The number, type, and location of U S West's switches in Arizona.  
3 c) The number and types of customers for which U S West's services are  
4 available.  
5 d) The amount of revenues that U S West derived from Arizona in the most  
6 recent year, broken down by basic residential service, basic business  
7 service, intraLATA toll, access charges, and other services.  
8 7) Any reports, studies, or analyses available, and created within the past year, that  
9 contain data on market shares of U S West and local telephone service competitors,  
10 or compare volumes of traffic, revenues, or facilities of the BOC and local  
11 competitors. Also, any evaluation of the likely entry, success or rate of growth of  
12 competitors or potential competitors. Proprietary information provided pursuant to  
13 this paragraph will be available pursuant to Protective Agreement, and will be  
14 disclosed only to the Commission, unless the parties can demonstrate compelling  
15 need for disclosure of information. Parties that file information designated as  
16 proprietary information are required to file a notice that generally describes what  
17 information is considered proprietary.  
18 8) A description of all complaints involving Arizona made to U S West, to the Arizona  
19 Corporation Commission, to the FCC, or other governmental authorities by other  
20 entities that have requested and/or received interconnection.  
21 9) Information demonstrating that authorization of U S West to provide interLATA  
22 service will be carried out in accordance with the requirements of Section 272 as  
23 required by Section 271(d)(3)(B).  
24 10) All evidence supporting U S West's assertion that U S West's provision of interLATA  
25 service will be in the public interest as required under Section 271(d)(3)(C).  
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**Attachment B**  
**Information Directly Relevant to the Competitive Checklist**

- 1) Interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1).
  - a) What points are available for interconnection with U S West?
  - b) Do these points include physical collocation, virtual collocation or another form of collocation?
  - c) What is the pricing methodology used for interconnection?
  - d) What competitors have interconnected with U S West?
  - e) At what U S West switching equipment (central office, end office, tandem, etc.) have competitors interconnected and by what means for each office?
- 2) Nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1).
  - a) What network elements are offered by U S West?
  - b) What is the pricing methodology is used for the elements?
  - c) What elements have been requested by entities seeking interconnection and access?
  - d) What is the record concerning U S West's responsiveness to such requests?
  - e) What elements have actually been sold to entities seeking interconnection and access?
  - f) What entities have requested elements?
  - g) What entities have actually purchased the elements?
  - h) What entities are actually providing service utilizing, in part, elements purchased from U S West?
- 3) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates in accordance with the requirements of section 224.
  - a) Do U S West and other providers have the same access to poles, ducts, and rights-of-way?
  - b) What price does U S West charge and what is the pricing methodology for access to poles, ducts, and rights-of-way?
  - c) Concerning operation in Arizona, does U S West believe that they have a different legal status concerning access to rights of way than a competitive provider? If so, what is the justification for any such difference?
- 4) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

- 1 a) What network elements are offered by U S West?
- 2 b) What is the pricing methodology used for the elements?
- 3 c) What elements have been requested by entities seeking interconnection and
- 4 access?
- 5 d) What is the record concerning U S West's responsiveness to such requests?
- 6 e) What elements have actually been sold to entities seeking interconnection
- 7 and access?
- 8 f) What entities have requested elements?
- 9 g) What entities have actually purchased the elements?
- 10 h) What entities are actually providing service utilizing, in part, elements
- 11 purchased from U S West?
- 12 5) Local transport from the trunk side of a wireline local exchange carrier switch
- 13 unbundled from switching or other services.
- 14 a) What network elements are offered by U S West?
- 15 b) What is the pricing methodology used for the elements?
- 16 c) What elements have been requested by entities seeking interconnection and
- 17 access?
- 18 d) What is the record concerning U S West's responsiveness to such requests?
- 19 e) What elements have actually been sold to entities seeking interconnection
- 20 and access?
- 21 f) What entities have requested elements?
- 22 g) What entities have actually purchased the elements?
- 23 h) What entities are actually providing service utilizing, in part, elements
- 24 purchased from U S West?
- 25 6) Local switching unbundled from transport, local loop transmission, or other services.
- 26 a) What network elements are offered by U S West?
- 27 b) What is the pricing methodology used for the elements?
- 28 c) What elements have been requested by entities seeking interconnection and
- access?
- d) What is the record concerning U S West's responsiveness to such requests?
- e) What elements have actually been sold to entities seeking interconnection
- and access?

- 1 f) What entities have requested elements?
- 2 g) What entities have actually purchased the elements?
- 3 h) What entities are actually providing service utilizing in part elements
- 4 purchased from U S West?
- 5 7) Nondiscriminatory access to, 911 and E911 services, directory assistance services
- 6 to allow the other carrier's customers to obtain telephone numbers, and operator
- 7 call completion services.
- 8 (I) 911 and E911 services.
- 9 a) Does U S West offer 911 or E911 services to new
- 10 customers/providers?
- 11 b) What entities have requested to purchase 911 and/or E911 services
- 12 from U S West?
- 13 c) What entities have purchased 911 and/or E911 services from U S
- 14 West?
- 15 d) What are the prices and pricing methodology for 911 and E911
- 16 services?
- 17 (II) Directory assistance services.
- 18 a) What entities have requested to purchase directory assistance
- 19 services from U S West?
- 20 b) What entities have purchased directory assistance services from U S
- 21 West?
- 22 c) What are the prices and pricing methodology for directory assistance
- 23 services?
- 24 (III) Operator Services.
- 25 a) What entities have requested to purchase operator call completion
- 26 services from U S West?
- 27 b) What entities have purchased operator call completion services from
- 28 U S West?
- 29 c) What are the prices and pricing methodology for operator call
- 30 completion services?
- 31 8) White pages directory listings for customers of the other carrier's telephone
- 32 exchange service.
- 33 a) What entities have requested to include their customers in the listings of U S
- 34 West?
- 35 b) What entities have their customers included in the listings of U S West?

- 1 c) What entities have chosen not to utilize inclusion of their customers in U S  
2 West's white pages listings?
- 3 9) Until the date by which telecommunications numbering administration guidelines,  
4 plan, or rules are established, nondiscriminatory access to telephone numbers for  
5 assignment to the other carrier's telephone exchange service customers. After that  
6 date, compliance with such guidelines, plan, or rules.
- 7 a) Who is the number administrator for Arizona?
- 8 b) If U S West is the number administrator for Arizona, is there a date certain  
9 by which it will no longer perform that function?
- 10 10) Nondiscriminatory access to databases and associated signaling necessary for call  
11 routing and completion.
- 12 a) What entities have requested to purchase such database and signaling  
13 services from U S West?
- 14 b) What entities have purchased such database and signaling services from  
15 U S West?
- 16 c) What are the prices and pricing methodology for such database and  
17 signaling services?
- 18 11) Until the date by which the Commission issues regulations pursuant to section 251  
19 to require number portability, interim telecommunications number portability through  
20 remote call forwarding, direct inward dialing trunks, or other comparable  
21 arrangements, with as little impairment of functioning, quality, reliability, and  
22 convenience as possible. After that date, full compliance with such regulations.
- 23 a) Is number portability being provided on an interim or full compliance basis?
- 24 b) If it is on an interim basis, what are the characteristics of the interim system  
25 and when will full number portability be implemented?
- 26 c) Is U S West providing carrier, geographic, or service number portability or  
27 any combination of the three?
- 28 d) What is the pricing methodology used to determine charges for number  
portability?
- 12) Nondiscriminatory access to such services or information as are necessary to allow  
the requesting carrier to implement local dialing parity in accordance with the  
requirements of section 251(b)(3).
- a) Is U S West providing dialing parity for both local and intraLATA toll service?
- b) If not, is U S West capable of providing such parity and will it provide it prior  
to the time when it offers interLATA service or at the time that it offers  
interLATA service?
- c) Does U S West have any ACC, state court, federal court, FCC, or legislative  
action pending related to the provision of intraLATA and local dialing parity?

- 1 d) To what percentage of its customers will U S West provide intraLATA dialing  
2 parity, to prior to being released from its in-region interLATA restrictions?
- 3 13) Reciprocal compensation arrangements in accordance with the requirements of  
4 section 252(d)(2).
- 5 a) What reciprocal compensation arrangements does U S West have in Arizona  
6 with competing carriers?
- 7 b) What reciprocal compensation arrangements does U S West have in Arizona  
8 with other incumbent carriers?
- 9 c) Where interconnection is in place, how does traffic terminated on other  
10 networks (competitors and other incumbents) compare with traffic terminated  
11 on U S West's network? This can be expressed as percentages, number of  
12 specific calls, minutes of use, or other measure.
- 13 14) Telecommunications services are available for resale in accordance with the  
14 requirements of sections 251(c)(4) and 252(d)(3).
- 15 a) Have all of the services offered by U S West been made available for resale  
16 on the same terms previously offered?
- 17 b) If not, which services have been withdrawn or changed in terms with respect  
18 to resale?
- 19 c) What are the percentage discounts offered for resold services?
- 20 i) The specific tariffed resale rates.
- 21 ii) Negotiated rates by specific contract.
- 22 d) What, if any, limitations does U S West impose on the resale of its services?
- 23 e) Are there currently any formal disputes related to the pricing of services for  
24 resale?
- 25 f) Are there currently any formal disputes related to the services or the  
26 definition of services for resale?
- 27 g) Have any entities requested to purchase services from U S West at specific  
28 tariffed rates (not including negotiated agreements)?
- h) Are any entities currently purchasing services from U S West at specific  
tariffed rates (not including negotiated agreements)?
- i) Are any negotiations pending for the purchase of services for resale?
- j) Are any entities currently purchasing services from U S West pursuant to a  
negotiated agreement?
- k) How much revenue does the resale of services generate for U S West?